

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **July 14, 2008**.

6 4. The material witness, Gabriela Felix-Sicairos, in this case:

7 a. Is an alien with no lawful right to enter or remain in the United States;
8 b. Entered or attempted to enter the United States illegally on or about
9 June 10, 2008;

10 c. Was found in a vehicle driven by defendant at the Otay Mesa, California Port
11 of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that she was an
12 alien with no lawful right to enter or remain in the United States;

13 d. Was having others pay on her behalf an unknown amount of money to others
14 to be brought into the United States illegally and/or transported illegally to her destination therein;
15 and,

16 e. May be released and remanded immediately to the Department of Homeland
17 Security for return to her country of origin.

18 5. After the material witnesses are ordered released by the Court pursuant to this
19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
20 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
21 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

22 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
23 substantive evidence;

24 b. The United States may elicit hearsay testimony from arresting agents
25 regarding any statements made by the material witness(es) provided in discovery, and such testimony
26 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
27 of (an) unavailable witness(es); and,

1 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
2 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted
3 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant
4 waives the right to confront and cross-examine the material witness(es) in this case.

5 6. By signing this stipulation and joint motion, defendant certifies that defendant has
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
7 further that defendant has discussed the terms of this stipulation and joint motion with defense
8 counsel and fully understands its meaning and effect.

9 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
10 immediate release and remand of the above-named material witness(es) to the Department of
11 Homeland Security for return to her country of origin.

12 || It is STIPULATED AND AGREED this date.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

16 Dated: 6/26/08

18 Dated: 6-26-09

21 Dated: 6/18/2008

CHARLOTTE E. KAISER
Assistant United States Attorney

JOAN KERRY BADER
Defense Counsel for Carlos Navarro-Bram

~~CARLOS NAVARRO-BRAM~~
CARLOS NAVARRO-BRAM
Defendant

28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Carlos Navarro-Bram

ORDER

Upon joint application and motion of the parties, and for good cause shown,
THE STIPULATION is admitted into evidence, and,
IT IS ORDERED that the above-named material witness(es) be released and remanded
forthwith to the Department of Homeland Security for return to her country of origin.

SO ORDERED.

Dated: 6/26/2028

Nelson Bowles
United States Magistrate Judge

United States Magistrate Judge